

106TH CONGRESS
1ST SESSION

S. 1006

To end the use of conventional steel-jawed leghold traps on animals in
the United States.

IN THE SENATE OF THE UNITED STATES

MAY 11, 1999

Mr. TORRICELLI (for himself, Mrs. BOXER, Mrs. FEINSTEIN, Mr. KERRY, and
Mr. LAUTENBERG) introduced the following bill; which was read twice
and referred to the Committee on Environment and Public Works

A BILL

To end the use of conventional steel-jawed leghold traps
on animals in the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DECLARATION OF POLICY.**

4 It is the policy of the United States to end the need-
5 less maiming and suffering inflicted upon animals through
6 the use of leghold traps by prohibiting the import or ex-
7 port of, and the shipment in interstate commerce of, such
8 traps and of articles of fur from animals that were trapped
9 in such traps.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ARTICLE OF FUR.—The term “article of
4 fur” means—

5 (A) any furskin, whether raw or tanned or
6 dressed; or

7 (B) any article, however produced, that
8 consists in whole or part of any furskin.

9 For purposes of subparagraph (A), the terms
10 “furskin”, “raw”, and “tanned or dressed” have the
11 same respective meanings as those terms have under
12 headnote 1 of chapter 43 of the Harmonized Tariff
13 Schedule of the United States.

14 (2) CUSTOMS LAWS OF THE UNITED STATES.—
15 The term “customs laws of the United States”
16 means any law enforced or administered by the Cus-
17 toms Service of the United States.

18 (3) INTERSTATE COMMERCE.—The term “inter-
19 state commerce” has the same meaning given such
20 term in section 10 of title 18, United States Code.

21 (4) IMPORT.—The term “import” means to
22 land on, bring into, or introduce into, any place sub-
23 ject to the jurisdiction of the United States, whether
24 or not such landing, bringing, or introduction con-
25 stitutes an entry into the customs territory of the
26 United States.

1 (5) PERSON.—The term “person” includes any
2 individual, partnership, association, corporation,
3 trust, or any officer, employee, agent, department,
4 or instrumentality of the Federal Government or of
5 any State or political subdivision thereof, or any
6 other entity subject to the jurisdiction of the United
7 States.

8 (6) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

10 (7) CONVENTIONAL STEEL-JAWED LEGHOLD
11 TRAP.—The term “conventional steel-jawed leghold
12 trap” means any spring-powered pan- or sear-acti-
13 vated device with two opposing steel-jaws, whether
14 the jaws are smooth, toothed, padded, or offset, de-
15 signed to capture an animal by snapping closed upon
16 the animal’s limb or part thereof.

17 **SEC. 3. PROHIBITED ACTS AND PENALTIES.**

18 (a) OFFENSES.—It is unlawful for any person
19 knowingly—

20 (1) to import, export, ship, or receive in inter-
21 state commerce an article of fur if any part of the
22 article of fur is derived from an animal that was
23 trapped in a conventional steel-jawed leghold trap;

1 (2) to import, export, deliver, carry, transport,
2 or ship, by any means whatever, in interstate com-
3 merce, any conventional steel-jawed leghold trap; or

4 (3) to sell, receive, acquire, or purchase any
5 conventional steel-jawed leghold trap that was deliv-
6 ered, carried, transported, or shipped in violation of
7 paragraph (2).

8 (b) PENALTIES.—A person who violates subsection
9 (a), in addition to any other penalty that may be
10 imposed—

11 (1) for the first such violation, shall be guilty
12 of an infraction punishable under title 18, United
13 States Code; and

14 (2) for each subsequent violation, shall be im-
15 prisoned not more than 2 years, fined under title 18,
16 United States Code, or both.

17 **SEC. 4. REWARDS.**

18 The Secretary shall pay, to any person who furnishes
19 information which leads to a conviction of a violation of
20 any provision of this Act or any regulation issued there-
21 under, an amount equal to one-half of the fine paid pursu-
22 ant to the conviction. Any officer or employee of the
23 United States or of any State or local government who
24 furnishes information or renders service in the perform-

1 ance of his or her official duties is not eligible for payment
2 under this section.

3 **SEC. 5. ENFORCEMENT.**

4 (a) IN GENERAL.—Except with respect to violations
5 of this Act to which subsection (b) applies, the provisions
6 of this Act and any regulations issued pursuant thereto
7 shall be enforced by the Secretary, who may use by agree-
8 ment, with or without reimbursement, the personnel, serv-
9 ices, and facilities of any other Federal agency or of any
10 State agency for purposes of enforcing this Act.

11 (b) EXPORT AND IMPORT VIOLATIONS.—

12 (1) IMPORT VIOLATIONS.—The importation of
13 articles in violation of section 3 shall be treated as
14 a violation of the customs laws of the United States,
15 and the provisions of law relating to violations of the
16 customs laws shall apply thereto.

17 (2) EXPORT VIOLATIONS.—The provisions of
18 the Export Administration Act of 1979 (including
19 the penalty provisions) (50 U.S.C. App. 2401 et
20 seq.) shall apply for purposes of enforcing the prohi-
21 bition relating to the export of articles described in
22 section 3.

23 (c) JUDICIAL PROCESS.—The district courts of the
24 United States may, within their respective jurisdictions,
25 upon proper oath or affirmation showing probable cause,

1 issue such warrants or other process as may be required
2 for enforcement of this Act and any regulation issued
3 thereunder.

4 (d) ENFORCEMENT AUTHORITIES.—Any individual
5 having authority to enforce this Act (except with respect
6 to violations to which subsection (b) applies), may, in exer-
7 cising such authority—

8 (1) detain for inspection, search, and seizure
9 any package, crate, or other container, including its
10 contents, and all accompanying documents, if such
11 individual has reasonable cause to suspect that in
12 such package, crate, or other container are articles
13 with respect to which a violation of this Act (except
14 with respect to violations to which subsection (b) ap-
15 plies) has occurred, is occurring, or is about to
16 occur;

17 (2) make arrests without a warrant for any vio-
18 lation of this Act (except with respect to violations
19 to which subsection (b) applies) committed in the in-
20 dividual's presence or view or if the individual has
21 probable cause to believe that the person to be ar-
22 rested has committed or is committing such a viola-
23 tion; and

24 (3) execute and serve any arrest warrant,
25 search warrant, or other warrant or criminal process

1 issued by any judge or magistrate of any court of
2 competent jurisdiction for enforcement of this Act
3 (except with respect to violations to which subsection
4 (b) applies).

5 (e) FORFEITURE.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (3), any article of fur or conventional steel-
8 jawed leghold trap taken, possessed, sold, purchased,
9 offered for sale or purchase, transported, delivered,
10 received, carried, or shipped in violation of this Act
11 shall be subject to forfeiture to the United States.

12 (2) APPLICABLE LAW.—The provisions of law
13 relating to—

14 (A) the seizure, summary and judicial for-
15 feiture, and condemnation of property for viola-
16 tions of the customs laws,

17 (B) the disposition of such property or the
18 proceeds from the sale thereof,

19 (C) the remission or mitigation of such for-
20 feitures, and

21 (D) the compromise of claims,

22 shall apply to seizures and forfeitures under this
23 subsection, except that the duties performed by a
24 customs officer or any other person with respect to
25 the seizure and forfeiture of property under the cus-

1 toms laws of the United States may be performed
2 with respect to seizures and forfeitures of property
3 under this subsection by the Secretary or such offi-
4 cers and employees as the Secretary may designate.

5 (3) EXCEPTION.—The provisions of the Export
6 Administration Act of 1979 shall apply with respect
7 to the seizure and forfeiture of any article of fur or
8 conventional steel-jawed leghold trap exported in vio-
9 lation of this Act, and the customs laws of the
10 United States shall apply with respect to the seizure
11 and forfeiture of any such article or trap imported
12 in violation of this Act.

13 (f) INJUNCTIONS.—The Attorney General of the
14 United States may seek to enjoin any person who is al-
15 leged to be in violation of any provision of this Act.

16 (g) COOPERATION.—The Secretary of Commerce, the
17 Secretary of the Treasury, and the head of any other de-
18 partment or agency with enforcement responsibilities
19 under this Act shall cooperate with the Secretary in ensur-
20 ing that this Act is enforced in the most effective and effi-
21 cient manner.

22 **SEC. 6. REGULATIONS.**

23 The Secretary shall prescribe such regulations as are
24 necessary to carry out this Act.

1 **SEC. 7. EFFECTIVE DATE.**

2 This Act shall take effect on the date that is 1 year
3 after the date of enactment.

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